

**MOD TO ADD ADDENDUMS 12A & 12B**

**CITY COUNCIL**

**CITY OF WICHITA**

**KANSAS**

City Council Meeting  
May 6, 2003, 9:00 A.M.

City Hall  
455 North Main

ORDER OF BUSINESS

- Call to Order
  - Invocation - Liz Owens, Baha'i
  - Pledge of Allegiance
  - Approve the minutes of the previous meeting
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AWARDS AND PRESENTATIONS

- MiniMPA Certificates
  - Proclamations
- 

PUBLIC AGENDA

1. Mary Dean – Boeing Company Industrial Revenue Bonds (1985 to 2001).
  2. King David Davis – New Beginnings.
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UNFINISHED BUSINESS

3. Solid Waste Code Revision.  
(Continued from April 15, 2003)

RECOMMENDED ACTION: Adopt the Ordinance, as presented, modify the Ordinance on second reading; or take appropriate actions.

4. Kansas Aviation Museum Funding Assistance.  
(Continued from March 25, 2003)

RECOMMENDED ACTION: Approve the budget transfer; authorize the necessary signatures.

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NEW BUSINESS

5. Amendment of Industrial Revenue Bond Documents – Feist Corporate Center Project. (District II)

Bond restructuring, resulting in lower interest rates, has been negotiated requiring amendment of terms of the bond documents.

RECOMMENDED ACTION: Approve amendments and first reading of the Ordinance; authorize the necessary signatures.

6. Amendment of Industrial Revenue Bond Documents – Pioneer Balloon. (District VI)

Bond restructuring, resulting in lower interest rates, has been negotiated requiring amendment of terms of the bond documents.

RECOMMENDED ACTION: Approve the amendments and first reading of the Ordinance; authorize the necessary signatures.

7. Defeasance of Industrial Revenue Bonds – The Hotel at Old Town, LLC. (District VI)

The Hotel at Old Town, Inc., proposes to replace industrial bond financing with a conventional loan.

RECOMMENDED ACTION: Approve first reading of the Ordinance; approve necessary signatures to required documents.

8. Issuance of PBC Improvements Revenue Bonds – Kansas Sports Hall of Fame. (District V)

RECOMMENDED ACTION: Close the public hearing; adopt the Resolution; authorize the necessary signatures to the required documents,

9. Proposal for Business Assistance - Bombardier Aerospace. (District V)

Bombardier Aerospace Learjet Inc. has requested financial assistance from the City of Wichita in order to maintain their presence and jobs in Wichita. The Company has also received approval from its unions to modify its Union Agreements. A joint City/County proposal has been prepared for consideration.

RECOMMENDED ACTION: Approve the job retention proposals.

10. Hillside Improvement between 17<sup>th</sup> and 21<sup>st</sup>. (District I)

On May 21, 2002, the City Council approved a project to improve Hillside, between 17th and 21st Street. The project will improve access and safety at the Wichita State University campus Hillside entrances

RECOMMENDED ACTION: Approve the transfer of funds and first reading of the amending Ordinance.

11. 13<sup>th</sup> Street Bridge over Cowskin Creek. (District V)

The 2002-2011 Capital Improvement Program includes a project to replace the 13<sup>th</sup> Street Bridge over Cowskin Creek.

RECOMMENDED ACTION: Select Design Option A.

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CITY COUNCIL AGENDA

12. Approval of Travel Expenses for Certain City Council Members to Attend 2003 Governing Body Institute in Topeka May 16-17, 2003.

RECOMMENDED ACTION: Approve the expenditures.

(Addendum)

12A. Approval of Mayor's Travel to Atlanta, Georgia.

RECOMMENDED ACTION: Approve the travel expenditure.

(Addendum)

12B. Resolution Supporting Our Troops And Protecting Wichita's Defense And Aerospace Industry.

RECOMMENDED ACTION: Adopt the Resolution.

13. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

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CONSENT AGENDA

14. Report of the Board of Bids and Contracts Dated May 5, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

15. Application for Licenses for Adult Entertainment Establishments/Services:

Renewal Adult Entertainment

Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	3721 South Broadway
Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	2809 North Broadway
Lewis F. Self Jr.	Adult Entertainment Industries Inc.*	7805 West Kellogg
	*dba After Dark Video	
Gail R. Crump	GS Entertainment	5858 South Broadway

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

16. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Kevin F. Raven	Taco Tico*	1230 South Rock Road
Kevin F. Raven	Taco Tico*	3257 East Harry
Julie O. Popplewell	Duffy's Open	2415 West 31 <sup>st</sup> Street
Miguel Reyes	Rostizeria Los Reyes*	512 West 21 <sup>st</sup> Street
Paul A. Eck	Family Home Association, Inc.*	3202 West 13 <sup>th</sup> Street
<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
William Krause	Kum & Go #327	707 North Waco
William Krause	Kum & Go #328	6330 East 21 <sup>st</sup> Street
Stan Edde	Falley's Inc. dba Food 4 Less #60	1607 South Georgetown Street
Stan Edde	Falley's Inc. dba Food 4 Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food 4 Less #62	1910 West 21 <sup>st</sup> Street North
Robert J. Bales	Klepper Korner Store/Citgo	3520 North Woodlawn
<u>New Operator</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
James Ream	Chug-A-Lug	5111 West 13 <sup>th</sup> Street
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Hau D. Ma	H and P dba Phillips 66	2199 North Woodlawn
Son B. Tran	Speedway	561 South Market
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Victor M. Deleon Rodriguez	Poblano Mexican Grill, Inc.*	550 North Ridge Road
<u>Special Events</u>	<u>May 9-10, 2003</u>	<u>River Festival</u>
John E. Thien	Jet BBQ	First Street/Waco
	<u>May 10, 2003</u>	
Clay Baxter	Clay Baxter	Farm & Art Market Plaza
		835 East First Street
Billy D. Shew	Big Dog Motorcycles LLC/Open House	1520 East Douglas
	<u>May 9-10-11; May 12-13-14; May 15-16-17, 2003</u>	
Pat Audley	Artichokes	Kennedy Plaza/Century II
	<u>May 17, 2003</u>	
John E. Thien	Jet BBQ	Southeast Corner of Douglas/McLean

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

17. Preliminary Estimates:

- a) Waterline along Nevada, between 16th and 17th Streets North to serve Lots 14-23 of West Lynn Addition - north of 13th Street, west of West Street. (448-89754/735097/470767) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$42,400.00
- b) 66 Inch raw water line, Phase 3 - along 17th Street east from Sheridan to 13th Street and McLean. (448-89439/633720/750807) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$9,198,735.17
- c) 2003 Contract maintenance asphalt mill & overlay - north of 55th Street South, east of Ridge Road. (472-83732/132714/620369/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV,V,VI) - \$500,000.00
- d) 2003 Contract maintenance area concrete street repairs Phase 2 - north of Pawnee, east of McLean. (472-83730/132714/) Traffic to be maintained during construction using flagpersons and barricades. (District V, VI) - \$273,500.00
- e) 2003 Contract maintenance asphalt street repairs and quickset slurry seal Phase 2 - north of 55th Street South, east of Seneca. (472-83736/131532/132714/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II,V,VI) - \$581,430.00
- f) Water supply line to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-89781/735116/470786) Does not affect traffic. (District II) - \$51,000.00
- g) Water distribution system to serve Sierra Hills Addition - north of Pawnee, east of 127th Street East. (448-89782/735117/470787) Does not affect traffic. (District II) - \$175,000.00
- h) (Amended) Lateral 42, Main 24 War Industries Sewer to serve Wilson Estates Medical Park - south of 21st Street North, west of Webb Road. (468-83563/743963/480651) Does not affect existing traffic. (District II) - \$85,280.00

RECOMMENDED ACTION: Approve and file.

18. Statement of Cost:

- a. (Second Partial) Estimate of Cost for improving Park Facilities 2002- \$303,000; less financing previously issued - \$215,000. Financing to be issued at this time - \$88,000. (785023/392-155).

RECOMMENDED ACTION: Receive and file.

19. Deeds and Easements:

- a) Utility easement dated March 18, 2003 from the Board of Park Commissioners for a tract of land located in the Northwest Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Linwood School, OCA #607861). No cost to City.

(Item 19 continued)

- b) Utility easement dated April 14, 2003 from Wilson Residential Company, L.L.C., for a tract of land located in Lot 1, Block 2, Wilson Estates Medical Park Addition to Wichita, Sedgwick County, Kansas (OCA #751323). No cost to City.

RECOMMENDED ACTION: Accept documents.

20. Petitions for Public Improvements:

- a) Decel land on 21<sup>st</sup> to serve Remington Place Second Addition – south of 21<sup>st</sup>, east of Webb. (District II)
- b) Sanitary sewer main to serve an unplatted tract north of 37<sup>th</sup> Street North, west of Maize Road. (District V)
- c) Renovate building façade at 504 East Douglas – east of Emporia. (District VI)
- d) Renovate building façade at the Garvey Center – north of Douglas, west of Water. (District VI)
- e) Sanitary sewer and water distribution system to serve Wichita Heights High School and Falcon Falls Addition – south of 53<sup>rd</sup> Street North, west of Hillside. (District I)
- f) Sanitary sewer and water distribution system to serve Lot 5, Block 3, Burnham Industrial Addition – south of Harry, west of West Street. (District IV)
- g) Street paving and water distribution system to serve Shadow Woods Addition – west of 135<sup>th</sup> Street West, north of Maple. (District V)
- h) Street paving, sanitary sewer, drainage, and water distribution systems to serve Reed's Cove Addition – south of 21<sup>st</sup>, east of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

21. Minutes of Advisory Boards/Commissions:

Deferred Compensation Board of Trustees, December 19, 2002  
District II Advisory Board, February 3, 2003  
Police & Fire Retirement Board, February 26, 2003  
Board of Code Standards & Appeals, March 3, 2003  
Wichita Airport Advisory Board, March 3, 2003  
District II Advisory Board, March 3, 2003  
Deferred Compensation Board of Trustees, March 4, 2003  
Wichita Employees' Retirement/Police & Fire Retirement Board, March 6, 2003  
Park Commissioners Board, March 10, 2003  
Board of Electrical Appeals, March 11, 2003

RECOMMENDED ACTION: Receive and file.

22. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

23. Weapons Destruction:

RECOMMENDED ACTION: Receive and file list of weapons.

24. Agreements/Contracts:

- a) Cessna Aircraft Company Lease Amendment.
- b) Historic Preservation Fund Grants.
- c) Sewage Treatment Plant No. 1 modifications – Phase I.
- d) Plant Siting Study.
- e) Equus Beds Aquifer storage and recovery – supplemental.
- f) Cheney Reservoir watershed cost-share MOU.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

25. Design Services Agreements:

- a) Smithmoor 10<sup>th</sup> Addition – north of Pawnee. (District II)
- b) Brentwood South Addition – east of Webb, north of Pawnee. (District II)
- c) Falcon Falls Addition – south of 53<sup>rd</sup> Street North, west of Hillside, supplemental. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

26. 2003 Arterial Street and Water Main Replacement Design.

RECOMMENDED ACTION: Approve the design projects and first reading of the Ordinance; authorize signing of City/State Agreements as required.

27. 2004-2005 Federal Aid Intersection Safety Grant. (Districts IV and V)

RECOMMENDED ACTION: Accept the Grant and authorize signing of State/Federal Agreements as required.

28. Fabrique Ditch at Mount Vernon Drainage – 1900 Block South Fabrique and Windsor. (District III)

RECOMMENDED ACTION: Approve the expenditures, authorize the project.

29. Spring Branch Master Drainage Plan. (District II)

RECOMMENDED ACTION: Approve the expenditure; authorize the study.

30. HUD Consolidated Plan 2003/2004 One-Year Action Plan.

RECOMMENDED ACTION: Approve the Plan and authorize the necessary signatures.

31. Transit Van Purchase.

RECOMMENDED ACTION: Approve the Change Order; authorize necessary signatures.

32. This Item left blank – Item pulled from Agenda.

33. Kansas State Wildlife Grant.

RECOMMENDED ACTION: Approve the Grant Agreement, receipt of funds, authorize the necessary signatures

34. Sewage Treatment Lift Station Rehabilitation. (District I)

RECOMMENDED ACTION: Approve the purchase.

35. Amendment to Bonding Resolution – Central and Hillside Redevelopment. (Districts I and II)

RECOMMENDED ACTION: Approve the amendments; adopt the Resolution.

36. Property Acquisition:

- a) 5400 South Hydraulic. (District III)
- b) 5335 South Hydraulic. (District III)
- c) 4907 South Hydraulic. (District III)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

37. Property Disposition: - 1945 South Santa Fe. (District III)

RECOMMENDED ACTION: Approve sale and Contracts; authorize necessary signatures.



38. Surplus Property – 1053 North Acadia. (District V)

RECOMMENDED ACTION: Declare the property surplus and available for sale.

39. Repair or Removal of Dangerous and Unsafe Structures.

<u>Property Address</u>	<u>Council District</u>
a) 617 North Grove	I
b) 932 North Ohio	I
c) 2027 North Grove	I

RECOMMENDED ACTION: Adopt the Resolutions scheduling the public hearing on June 17, 2003, at 9:30 a.m. or soon thereafter.

40. Second Reading Ordinances: (First read April 15, 2003)

- a) Establishment of a Redevelopment District – Tax Increment Financing – for the Kellogg/Oliver Area. (District II)

An Ordinance of the City of Wichita establishing the Kellogg and Oliver Redevelopment District.

- b) Solid Waste Code Revision.

An Ordinance amending Sections 7.08.010, 7.08.020, 7.08.030, 7.08.040, 7.08.050, 7.08.055, 7.08.60, 7.08.070, 7.08.075, 7.08.080, 7.08.090, 7.08.100, 7.08.110, 7.08.120, 7.08.125, 7.08.130, 7.08.135, 7.08.140, 7.08.150, 7.08.160, 7.08.170, 7.08.180 and 7.08.190 of the code of the city of Wichita, Kansas pertaining to garbage refuse.

- c) ZON2002-49– north Side of 13th Street North, east of Greenwich Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-49

- d) ZON2002-50– north Side of 13th Street North, east of Greenwich Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-50

- e) ZON2003-06 - south side of Douglas, east of Hydraulic. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2003-06

(Item 40 continued)

f) ZON2003-00007 – southwest of Douglas/Ridge Road Intersection. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2003-07

RECOMMENDED ACTION: Adopt Ordinances.

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### PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

\*41. SUB2002-111 – Plat of Peacock Second Addition – South Side of Central, East of West Street. (District VI)

RECOMMENDED ACTION: Approve documents, Plat, and first reading of ZON2002-44 Ordinance; authorize necessary signatures.

\*42. SUB2002-116 – Plat of Opportunity Center Addition – North of 47<sup>th</sup> Street South, West of the K-15 Highway.

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures; adopt the Resolutions.

\*43. SUB2002-136 – Plat of Friends University Third Addition – North Side of Kellogg, East of Meridian.  
(District IV)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures; adopt the Resolutions; approve first reading of ZON2002-68 Ordinance (publication to be withheld).

\*44. SUB2002-140 – Plat of Clear Creek Addition – West Side of 143<sup>rd</sup> Street East, South of Kellogg. (District II)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures; adopt the Resolutions.

\*45. SUB2002-141 – Plat of Cessna Elementary School Addition – South Side of 47<sup>th</sup> Street South, East of Meridian.  
(District IV)

RECOMMENDED ACTION: Approve the Plat; authorize the necessary signatures.

- \*46. SUB2002-142 – Plat of Hilltop Manor Third Addition – North of Harry, West of Oliver. (District III)

RECOMMENDED ACTION: Approve the documents and Plat; authorize necessary signatures; adopt the Resolutions.

- \*47. ZON2000-00035 – Extension of Time to Complete Platting for a Zone Change from Single-Family Residential to Neighborhood Retail on Property on the West Side of Tyler, Approximately 1/3 Mile South of Central – 427 North Tyler. (District V)

RECOMMENDED ACTION: Approve one-year extension of time to April 17, 2004.

48. ZON2002-00073 – Zone Change from General Commercial and Single-Family Residential to General Commercial – South of 61<sup>st</sup> Street South, East of Seneca. (District IV)

RECOMMENDED ACTION: Concur with the findings of MAPC and deny the request; and approve a zone change to Office Warehouse subject to the condition of platting within one year; Ordinance to be forwarded to the Council with the Plat.

- \*49. ZON2003-00008 – Zone Change from Multi-Family Residential to General Commercial – South of Murdock, West of Market. (District VI)

RECOMMENDED ACTION: Approve the zone change and first reading of the Ordinance.

50. ZON2003-00009 – Zone Change from Two-Family Residential to Limited Commercial – North of Orme, West of Governour. (District II)

RECOMMENDED ACTION: Approve the zone change subject to provisions of Protective Overlay District #124; approve first reading of the Ordinance (publication to be withheld).

- \*51. ZON2003-00010 – Zone Change from Limited Commercial to General Commercial – Southwest Corner of Kellogg and Broadway. (District I)

RECOMMENDED ACTION: Approve the zone change and first reading of the Ordinance.

- \*52. ZON2003-00011 – Zone Change from Multi-Family Residential to Neighborhood Office – North of Irving and East of Meridian. (District IV)

RECOMMENDED ACTION: Approve the zone change subject to additional provisions of the Protective Overlay, and approve first reading of the Ordinance.

53. A 03-12: Request to annex lands located immediately south of 37th Street North and west of N. Maize Road.  
(District V)

RECOMMENDED ACTION: Approve the annexation; declare an Emergency;  
authorize the necessary signatures; and adopt the  
Ordinance on the date of its introduction.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

54. Passenger Facility Charge Application.

RECOMMENDED ACTION: Approve the Application; authorize the  
necessary signatures.

55. Airport Marketing Budget Adjustment.

RECOMMENDED ACTION: Approve the budget increase.

56. Agreements/Contracts:

- a) Smarte Carte, Inc. – supplemental.
- b) Grounds maintenance services.
- c) Dallas Airmotive – supplemental.
- d) Airline use supplemental.
- e) Midwest Corporate Air Care.

RECOMMENDED ACTION: Approve the Contract; authorize the  
necessary signatures.

Adjournment

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12:30 p.m. Luncheon - RiverFest